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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/778,016	02/12/2004	Todd Alan Schonewille	0275U-000858	3352
27572 7590 09/11/2007 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER SPISICH, MARK	
			ART UNIT 1744	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/778,016	<b>Applicant(s)</b> SCHONEWILLE ET AL.	
	<b>Examiner</b> Mark Spisich	<b>Art Unit</b> 1744	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5,6,9 and 22-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9,25-32 and 34-37 is/are rejected.
- 7) ☒ Claim(s) 22-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Comment RE Claim 9*

It would appear that "positions" (claim 9, line 7) should instead be -- portions --.

### *Claim Rejections - 35 USC § 112*

1. Claims 34-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Handle" (claim 34, line 3) lacks antecedent (as the handle is not recited until later claims). Also, it is suggested that "element" (claim 34, line 2) be change to -- attachment --. "Handle" (claim 35, line 11) is confusing as there are two distinct handles recited. It is suggested that "handle" (claim 35, line 11) be changed to -- first handle --. "**First** handle" (claim 36, line 3) would appear to be incorrect in that the removable second handle is the one that has the handle actuator. Applicant should review the claims for any additional informalities.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,5,6, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Cannarella (USP 4,060,870). The patent to Cannarella discloses a motorized cleaning device comprising a housing (10), battery (58; column 3, lines 46-53), motor (28), shaft (30), cleaning attachment (44) and liquid delivery system including a

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reservoir (20,22) including a biased piston, valve (54,56), conduit (14,16), and nozzles directly at an angle to the rotation axis of the attachment (see figure 1). Further, the motor and liquid delivery are operated independently.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,9,26,27,32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starr (USP 3,396,417) in view of Downes (USP 3,892,004). The patent to Starr discloses a housing (10,12), battery (52a-52d), motor (50), output drive shaft (46), cleaning attachment (20), and a liquid delivery system (16,18,40,46,etc) operable independent of the motor (each has its own actuator 58 and 40) with the fluid exiting the nozzle (the outlet 16 of the conduit) being oriented obliquely relative to the rotation axis of the cleaning attachment). The patent to Starr discloses the invention substantially as claimed with the exception of the particular type of delivery system (under pressure). The patent to Downes discloses a cleaning device with a fluid supply and which includes two embodiments including (1) a pump 16 and trigger 22 or (2) a container with fluid under pressure with a valve actuator 22 (see figure 3 and column 2, lines 53-66). It would have been obvious to one of ordinary skill to have modified the device of Starr as taught by Downes as it is shown to be an art-recognized equivalent means of supplying a cleaning fluid in a motorized cleaning device and further wherein

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the patent to Downes clearly teaches that one of ordinary skill has recognized that the pressurized embodiment may be readily interchanged with the pump-type supply (that is used in Starr). With regard to claim 9, the conduit that is received in the reservoir would be the "first portion" and the conduit (17) extending from the valve would be the "second portion". With regard to claim 26, the switch actuator (58) and valve actuator (40) in Starr are on opposite sides of the handle (12). With regard to claim 27, as worded it is deemed to be an obvious change in the location of the working parts. The valve in figure 3 of Downes appears to be spring-biased into a closed position (claim 32) and the nozzle (16) of Starr is forwardly disposed relative to the handle (12) and the cleaning attachment (20) (claim 34).

6. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starr (USP 3,396,417) and Downes (USP 3,892,004) as applied to claim 26 above, and further in view of Goldstein et al (USP 3,343,192). The prior art discloses the invention substantially as claimed with the exception of the auxiliary handle with an actuator. Goldstein discloses an auxiliary handle (84) with it own actuator (92). The provision of such an auxiliary handle is shown to be known in the art for the purpose of enabling a different grip.

7. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannarella (USP 4,060,870) in view of Kucar (USP 5,700,146). The patent to Cannarella discloses the invention substantially as claimed with the exception of the cap with electrical contacts. The patent to Kucar discloses a cap (48) with electrical contact (52) for allowing recharging of a battery (44). It would have been obvious to one of

ordinary skill to have modified the device of Cannarella as such so that the battery could be recharged while still in the housing. The housing of Cannarella is also formed in two parts (figs 3-4).

***Allowable Subject Matter***

8. Claim 33 is allowed.
9. Claims 35-37 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
10. Claims 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

11. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Spisich  
Primary Examiner  
Art Unit 1744